



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2407346
Applicant Name : Andrew Novion for MZ Construction LLC
Address of Proposal: 8531 Midvale Avenue North

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one (1) parcel into five (5) unit lots (unit lot subdivision). This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The construction of townhouses has been approved under Project #2404450/745636.

The following approval is required:

Short Subdivision - To subdivide one existing parcel into five unit lots.
(Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site & Area Description

Zoning: Lowrise 3 (L-3)

Uses on Site: One (1), three-unit townhouse building and two (2) single family residences.

Substantive Site Characteristics:

This 6,151 square foot subject site (the “parent lot”) is a rectangular lot that fronts on the west side of Midvale Avenue North. Midvale Avenue North is considered a non-arterial street, improved with sidewalks, curbs and gutters on both sides of the street. Construction of two (2) single family residences and a three-unit townhouse structure is currently occurring on the subject property. The site is not located in any mapped or observed environmentally critical areas.

The subject property and the surrounding properties to the north, south and west are all zoned Lowrise 3 (L-3). The property to the east is zoned Lowrise 2 (L-2). Development in the immediate area primarily consists of single family residences and multi-family structures.

Proposal Description

The applicant proposes to subdivide one 6,151 square foot parcel (the “parent lot”) into five unit lots with the following lot areas: Unit Lot A) 1,464 square feet, Unit Lot B) 1,126, square feet Unit Lot C) 972 square feet, Unit Lot D) 1,140 square feet; and Unit Lot E) 1,446 square feet in an L-3 zone. The subject site fronts on Midvale Avenue North. Vehicular access to all five units would be provided via an ingress, egress, and utility easement via Midvale Avenue North.

An underlying Master Use Permit for the demolition of an existing duplex and construction of two (2) single family residences and a three-unit townhouse structure has been reviewed and approved (Master Use Permit #2404450/745636). The subject of this analysis and decision is limited to the subdivision of land.

Public Comments

The comment period for this proposal ended on November 10, 2004. During the public comment period, DPD received no comments related to this project.

ANALYSIS – UNIT LOT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following (applicable) criteria to determine whether to grant, condition or deny a short plat:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees.*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction*

- and/or transfer of title of townhouses, cottage housing, clustered housing, or single family housing, and*
8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two or more lots from one lot with more than one existing single-family dwelling unit.*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Departments (SFD), Seattle City Light, and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision. Detailed discussion of Criterion # 7 follows below.

The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions set forth in the Land Use Code, and are consistent with applicable development standards. As conditioned, this short subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposal site is not located in an environmentally critical area; therefore SMC 25.09.240 is not applicable. The proposed plat maximizes the retention of existing trees. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

ANALYSIS –UNIT LOT SUBDIVISION (CRITERION #7)

Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

- A. *The unit subdivision provisions of SMC Section 23.24.045 apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.*
- B. *Sites developed or proposed to be developed with dwelling units listed in subsection A above, may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*
- C. *Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*
- D. *Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard space*

for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.

- E. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of King County Department of Records and Elections.*
- F. The facts that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.*

Summary - Unit Lot Subdivision

Review of this application shows that the proposed short subdivision would conform to applicable standards of SMC 23.24.045 subject to the conditions imposed at the end of this decision. The proposed developments are two (2) single family residences and one (1) three-unit townhouse structure. The structures, as reviewed under their separate building permit, conform to the development standards of the time the permit application was vested. To assure that future owners have constructive notice that additional development may be limited; the applicant will be required to add a note to the face of the plat that reads as follows: Include the following on the face of the plat: "The lots created by unit subdivision are not separate building lots. Additional development on any individual lot in this unit subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code." A joint use and maintenance agreement will be required as conditioned at the end of this decision.

DECISION – UNIT LOT SUBDIVISION

The proposed Unit Lot Subdivision is **CONDITIONALLY GRANTED.**

CONDITIONS – UNIT LOT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.

2. Submit the final recording forms for approval and any necessary fees.
3. Add the conditions of approval after recording on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the plat "For conditions of approval after recording see page ____ of ____."
4. Add the following note to the face of the plat: *"The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code."*
5. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress, and utility easements.
6. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (as described in Exhibit "A" P.M. #260431-4-059) on the final short subdivision.
7. Include an easement to provide for water service as required by Seattle Public Utilities for the Water Availability Certificate dated November 1, 2004 (WAC ID No. 2004-1695).
8. Provide an area to allow for the posting of address signage for Unit Lots C, D and E at a location visible from Midvale Avenue North and provide a covenant and/or an easement to ensure that address signage can be maintained.

Prior to Issuance of any Building Permit

The owner(s) and/or responsible party(s) shall

1. Attach a copy of the recorded short subdivision to all permit application plans for any application for a permit to construct, demolish, or change use.

Signature: _____ (signature on file) Date: December 30, 2004
Tamara Garrett, Land Use Planner

TG:bg

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